



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JAMES E. JOHNSON
Corporation Counsel

MELANIE SPEIGHT
Senior Counsel
Phone: (212) 356-2425
Fax: (212) 356-3509
mspeight@law.nyc.gov

July 29, 2020

VIA ECF

Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Matthew Jones v. Lieutenant Treubig, 16-CV-8080 (JGK) (KNF)

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, representing defendant Lieutenant Christopher Treubig in the above-referenced civil action. Defendant writes respectfully pursuant to the Court's Order, dated July 18, 2020, to submit a Proposed Judgment and to request that the Court defer entry of judgment in order for defendant to submit post-trial motions and to allow the parties time to discuss settlement.

By Order, dated June 26, 2020, the Court of Appeals for the Second Circuit determined that the verdict against Lieutenant Treubig should be reinstated and remanded the case for further proceedings. By the same Order, the Court of Appeals for the Second Circuit determined that Lieutenant Treubig was not entitled to qualified immunity and elucidated, for the first time, specific guidance as to the form of special interrogatories that should be given in the circumstances presented by this case. As raised in defendant's letter, dated May 24, 2018, qualified immunity presented a threshold issue to be resolved before defendant pursued additional avenues of post-trial relief. In light of the Court of Appeals for the Second Circuit's mandate, defendant now intends to submit additional post-trial motions pursuant to Fed. R. Civ. P. 50 and 59. In addition, as relayed by plaintiff, and in light of the likely long road ahead, defendant will discuss the possibility of settlement with plaintiff.

If defendant prevails, then judgment will need to be vacated again. As a result, defendant requests that entry of judgment be temporarily deferred. To the extent that judgment is entered before post-trial motions are resolved, then, as plaintiff notes, defendant respectfully

requests that it be entered in a form that reflects the aggregate total of damages awarded by the jury.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Melanie Speight

Melanie Speight

Senior Counsel

CC: VIA ECF
Amir Ali
Alexis Padilla
David Zelman
Plaintiff's Counsel